

RESOLUTION NO. R 01- 51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA, DENYING AN
APPEAL OF THE ACTION OF THE PLANNING COMMISSION
GRANTING APPROVAL OF A NEIGHBORHOOD
COMPATIBILITY APPLICATION AT 2225 VIA LA BREA

The City Council of the City of Palos Verdes Estates does resolve as follows:

Section 1. In August 2001, application for neighborhood compatibility for construction of additions to a single family residence was submitted for the property located at Lot 12 of Block 1635 of Tract No. 7330 in the City of Palos Verdes Estates, County of Los Angeles, State of California, known as 2225 Via La Brea, Palos Verdes Estates, California (the "Application").

Section 2. On September 18, 2001, a hearing on the Application was held by the Planning Commission of the City of Palos Verdes Estates, at the conclusion of which the Planning Commission approved the Application, subject to specified conditions.

Section 3. On September 24, 2001, an appeal of the Planning Commission's approval was filed by Tom and Barbara Bechler (collectively, the "Appellant"). The Appellant did not appeal the determination of the Planning Commission that the Application is categorically exempt from the California Environmental Quality Act.

Section 4. On October 23, 2001, the City Council conducted a public hearing on the appeal, which hearing was duly and properly noticed. At such hearing, the Council received and considered an oral staff report and documentary evidence, including, but not limited to, site plans, minutes of the Planning Commission meeting, and a photographic presentation, and received and considered oral testimony from the Appellant and others.

Section 5. Based upon the evidence presented, the City Council hereby finds and determines as follows:

- a. Each fact set forth in Section 1 through 4 above is true and correct.
- b. Each fact set forth in the memorandum for Agenda Item No. 10, Meeting Date October 23, 2001, from Allan Rigg to James B. Hendrickson, presented to the City Council on said date, is true and correct.
- c. There are existing windows and doors in the wall facing the Appellant's property. The increase in the amount of glass on such wall will not affect the privacy of the Appellant, but, instead, affects only the privacy of the Property owners who have chosen to weigh the aesthetics of their project over such privacy issues.

- d. The Property owners represented that reduction in the balcony facing the Appellant's property would not be detrimental to their proposed use of the Property, and such reduction will mitigate any privacy impacts on the Appellant.

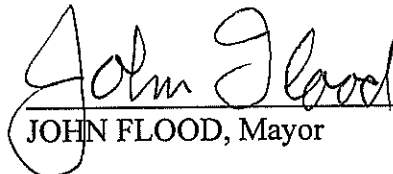
Section 6. Based upon the findings set forth herein, the City Council finds that the Application, as conditioned in the conditions of approval attached hereto as Exhibit A, which conditions are incorporated herein by reference:

- a. Is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping, in that no grading will be required for this project;
- b. Is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development and relating to surrounding residences and other structures, in that the project is consistent with others in the neighborhood;
- c. Is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties, in that there are existing windows and doors facing the Appellant and the balcony will be reduced to minimize impacts; and
- d. Is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views, in that the project is similar in height to neighboring properties and no complaint has been received about view impacts.

Section 7. Based upon the findings and determinations set forth herein, as supported by the evidence considered in connection therewith, the City Council finds and determines that the appeal of the Planning Commission's approval of the Application should be denied and the neighborhood compatibility application shall be approved subject to the conditions contained herein.

Section 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.


PASSED, APPROVED AND ADOPTED this 13 day of November, 2001.



JOHN FLOOD, Mayor

APPROVED AS TO FORM:

ATTEST:



JUDY SMITH, City Clerk



STEPHANIE R. SCHER, City Attorney

EXHIBIT "A"

REVISED NEIGHBORHOOD COMPATIBILITY APPLICATION

NC-969-01

Conditions of Approval

R-01-51

1. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the plot plan submitted, Exhibit B.
2. Prior to obtaining a building permit and within 30 day hereof, the applicant and property owner shall file with the Secretary of the Planning Department written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
3. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained as shown on the approved plans.
4. All buildings and structures shall be of the design as shown on the approved plans.
5. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Planning.
6. The applicant shall have a maximum of two years, after approval of a Neighborhood Compatibility Application, within which to apply for and be issued a grading or building permit. The approval shall expire in the event such grading or building permit has not been issued within the prescribed two-year time period, or in the event such grading or building permit terminates or expires under any other provision of this Code or of the law of this State.
7. All requirements of any law, ordinance, or regulation of the State of California, City of Palos Verdes Estates, and any other governmental entity shall be complied with.
8. This approval is subject to the applicant paying all fees and assessments to the City of Palos Verdes Estates, as required by Ordinance.
9. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all cost of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amiably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

10. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees, and the officers and employees of the firm, Charles Abbott Associates, from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void, or annul approval of this application. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
11. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Department of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
12. The owner shall provide for the planting of trees in the parkway adjacent to the site of the building in accordance with the recommendation of the Public Works Director or authorized designee.
13. The owner shall provide for the improvement of streets, alleys, walks, and drainage courses adjacent to the site of the building in conformance with standards and specifications of the City and plans approved by the City Engineer.
14. All pool/spa equipment and air conditioning units shall be contained in sound attenuating structures, subject to the approval of the City Engineer.
15. The owner shall provide a "Knox box" universal gate lock, if applicable, accessible to the police and fire departments. Applicants are advised to contact 1-800-552-5669 with any questions.
16. **All non-standard encroachments shall be removed.**
17. **The dimensions of the second story east side balcony shall not exceed 13 feet by 18 inches.**
18. **Screen planting along the east side property line shall be installed and maintained to the satisfaction of the City Forester, in consultation with the adjacent property owner.**

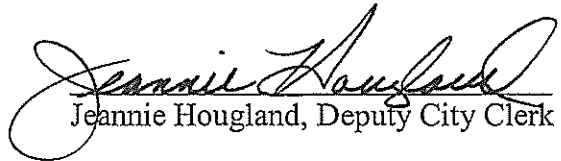
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Jeannie Hougland, Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution R01-51 was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 13th day of November, 2001 by the following vote:

AYES: COUNCILMEMBERS: Flood, Humphrey, Mackenbach
Sherwood and Turner

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Jeannie Hougland, Deputy City Clerk